

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

KIMBERLY LYNN PIERCE,) Case No. 2:17-cv-125
Plaintiff,) Judge Travis R. McDonough
v.) Magistrate Judge Clifton L. Corker
COMMISSIONER OF SOCIAL)
SECURITY ADMINISTRATION,)
Defendant.)

ORDER

On May 10, 2018, United States Magistrate Judge Clifton L. Corker filed his report and recommendation (Doc. 21) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Corker recommended that: 1) Plaintiff's motion for judgment on the pleadings (Doc. 16) be granted; 2) the Commissioner's motion for summary judgment (Doc. 19) be denied; and 3) the matter be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Corker's report and recommendation. (Doc. 21.)

Neither party has filed an objection to Magistrate Judge Corker's report and recommendation.¹ Nevertheless, the Court has conducted a review of the report and

¹ Magistrate Judge Corker specifically advised the parties that they had fourteen days in which to object to the report and recommendation and that failure to do so would waive any right to appeal. (Doc. 21, at 18 n.6); *see Fed. R. Civ. P. 72(b)(2)*; *see also Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional

recommendation, as well as the record, and it agrees with Magistrate Judge Corker's well-reasoned conclusions.

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Corker's report and recommendation (Doc. 21);
- Plaintiff's motion for judgment on the pleadings (Doc. 16) is **GRANTED**;
- The Commissioner's motion for summary judgment (Doc. 19) is **DENIED**; and
- The decision of the Commissioner is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for action consistent with this Order and the adopted report and recommendation.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**

days for service provided by Fed. R. Civ. P. 6(d), the period in which the parties could timely file any objections has now expired.